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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

RUSSELL ALLEN LYLES, JR.,

Defendant.

No. CR-08-00420 PJH

STIPULATION AND ~~PROPOSED~~  
ORDER DOCUMENTING WAIVER

On August 6, 2008, Russell Allen Lyles, Jr., appeared with his counsel, Alan Caplan, Esq., before the Court for a status conference, and a motion schedule was set, with the first of the defendant's motions due on September 17, 2008, and with a hearing date on all the motions set for November 26, 2008. With the agreement of the parties and with the consent of the defendant, the Court enters this order excluding time under the Speedy Trial Act from August 6, 2008 to September 17, 2008. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Russell Allen Lyles, Jr., appeared before the Court on August 6, 2008 for a status conference, and the Court scheduled September 17, 2008 as the filing date for the first of several pre-trial motions that Mr. Caplan indicated he intended to file. Because the

1 defendant's motions will be both varied and complicated, Mr. Caplan sought an extended  
 2 briefing schedule. A hearing date for all of the motions was therefore scheduled for November  
 3 26, 2008.

4 2. Accordingly, because Mr. Caplan requires additional time to prepare and file his  
 5 motions in order to ensure the effective preparation of counsel, the parties have requested that  
 6 time be excluded under the Speedy Trial Act from August 6, 2008 to September 17, 2008.

7 3. Given these circumstances, the Court finds that the ends of justice served by  
 8 excluding the period from August 6, 2008 to September 17, 2008 from Speedy Trial Act  
 9 calculations outweighs the interests of the public and the defendant to a speedy trial, by ensuring  
 10 continuity and effective preparation of counsel, in accordance with 18 U.S.C. § 3161(h)(8)(A)  
 11 and (B).

12  
 13 STIPULATED:

14  
 15 DATED: August 12, 2008

/s/  
 ALAN CAPLAN, ESQ.  
 Attorney for RUSSELL ALLEN LYLES, JR.

16  
 17  
 18 DATED: August 12, 2008

/s/  
 W.S. WILSON LEUNG  
 Assistant United States Attorney

19  
 20  
 21 IT IS SO ORDERED.

22 DATED: August 13, 2008

HON. PHYL  
 United States

